

CITY OF MILFORD  
REGULAR MEETING  
AUGUST 7, 2001  
MINUTES

A regular meeting of the Mayor and Council of the City of Milford, Nebraska was held at the Webermeier Community Room in said City on the 7<sup>th</sup> day of August 2001 at 7:30 pm. Present were: Mayor J. Elaine Plessel; Council members: Scott Burroughs, Gary Cooper, Rick Fortune, Lyle Neal; Attorney Robert Blevens; City Clerk Jeanne Hoggins. Also present: Gary TeSelle, Jack Zimmerman, Dennis Kubicek, Mark & Carma Meierdierks, Dave Montag, Bruce Hostetler, John Olsson, Tom McCall, Dean Bruha, Bruce Rediger, Chief of Police Siebken and Todd Neeley with the press.

Notice of the meeting was given in advance thereof by publishing in the Milford Times; a designated method for giving notice, as shown by the Affidavit of Publication attached to these minutes. Notice of this meeting was given to the Mayor and all members of the Council and a copy of their acknowledgement of receipt of notice and the agenda is attached to the minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

**CALL TO ORDER:** Mayor Plessel called the meeting to order at 7:30 pm.

**MINUTES:** A motion was made by Fortune and seconded by Burroughs to approve the minutes of the July 3, 2001 Council meeting and the Board of Adjustment meeting. Roll call vote: Fortune yes, Burroughs yes, Cooper yes, Neal yes. Motion carried. A motion was made by Burroughs and seconded by Neal to approve the minutes of the July 17, 2001 meeting. Roll call vote: Burroughs yes, Neal yes, Cooper yes, Fortune yes. Motion carried.

**PAYMENT OF BILLS:** A motion was made by Cooper and seconded by Neal that the following bills in the amount of \$53,863.47 approved by the Auditing Committee be approved for payment. Roll call vote: Cooper yes, Neal yes, Burroughs yes, Fortune yes. Motion carried.

**SALARIES:**

33367	Mark Frey	1014.28
33368	Forrest K. Siebken	962.38
33369	Mavis Lynn Ferris	23.78
33370	Stephanie A. Chicoine	46.17
33371	Jeanne M. Hoggins	837.01
33372	Gary Lee TeSelle	633.67

33373	Scott Dean Fosler	877.24
33374	Robert L. Hull	692.61
33375	Beverly J. Wehrs	349.75
33376	Edna A. Riedl	165.17
33377	David R. Dahle	711.13
33378	Sara J. Roether	267.94
33379	Louis J. Bialas	681.47
33380	Pamela J. Slama	245.63
33381	Bryce Roth	256.43
33382	Arlene F. Sieck	509.53
33383	Lucy B. Honig	120.34
33384	William J. Sauer	378.26
33385	Marcus A. Siebken	382.55
33386	Amanda R. Fichtner	422.59
33387	Jamie L. Opfer	503.21
33388	Sheri J. Condreay	298.02
33389	Chad A. Craghead	675.74
33390	Andrea K. Henrichson	172.14
33391	Benjiman McCullough	215.09
33392	Dustin R. Lindgren	113.32
33393	Melissa McCall	200.57
33394	Victoria L. Melch	370.23
33395	Jessie J. Danekas	115.44
33461	Mark Frey	1024.36
33462	Forrest K. Siebken	962.38
33463	Mavis Lynn Ferris	19.02
33464	Stephanie A. Chicoine	69.26
33465	Jeanne M. Hoggins	837.01
33466	Gary Lee TeSelle	844.06
33467	Scott Dean Fosler	820.25
33468	Robert L. Hull	627.57
33469	Beverly J. Wehrs	341.82
33470	Edna A. Riedl	267.24
33471	David R. Dahle	753.81
33472	Sara J. Roether	131.48
33473	Louis J. Bialas	696.61
33474	Pamela J. Slama	223.73
33475	Bryce Roth	219.18
33476	Arlene F. Sieck	525.05
33477	Lucy B. Honig	251.80

33478	William J. Sauer	481.70
33479	Marcus A. Siebken	273.50
33480	Amanda R. Fichtner	304.38
33481	Jamie L. Opfer	503.21
33482	Sheri J. Condreay	285.02
33483	Chad A. Craghead	762.86
33484	Andrea K. Henrichson	151.45
33485	Benjiman McCullough	392.40
33486	Dustin R. Lindgren	234.92
33487	Melissa McCall	536.78
33488	Victoria L. Melch	370.23
33489	Jessie J. Danekas	265.50
33491	Gary W. Cooper	138.52
33492	Roger L. Kness	178.55
33493	Joyce Elaine Plessel	184.70
33494	Ricky Gene Fortune	138.52
33495	Scott C. Burroughs	138.52
33496	Emerson L. Neal	138.52

**GENERAL FUND:**

33366	U.S. Postmaster – Utility Billing Postage	115.62
33396	Adolph Kiefer & Assoc – Small Tankini Suit	51.95
33397	Ameritas Life Insurance Corp – Retirement	1091.23
33398	Alltel – May/June Internet, Paging, Service	391.55
33399	Alltel – June/July Cell, Battery Charger	139.76
33400	Alltel – Long Distance, Fax	5.01
33401	Les Amory – Ump Jr Pee Wee, Pee Wee's	25.00
33402	Atco International – Liberator	708.00
33403	Marty Baker – Ump 10's & 12's	17.50
33404	Blue River Implement Inc – Weed Eater	685.98
33405	Butchs Welding & Repair – Ready Rod, Washers/Nuts	29.69
33406	Sports Express – Police Polo Shirts	134.00
33407	Culligan Water Conditioning – Soft Water	17.00
33408	Dorchester Farmers Coop – Gas/Diesel, Tire Repair	1178.96
33409	Data Technologies Inc – Software Disks & Prep	13.00
33410	Eakes Office Plus – Checks, Cartridges	424.75
33411	Ed M. Feld Equip Co Inc – Lion 4" Waterguard	205.00
33412	Farm Plan – Fuel Tanks, Tire/Tube, Filter Ele, Stud	263.14
33413	Tim Fichtner – Ump Jr Pee Wee, Pee Wee's	17.50
33414	Gateway Accessory Store – Memory	139.19
33415	The Garbage Company – Garbage Pickup for June	87.00

33416	Great Plains-One Call Service – Locate Request, Surchg	14.00
33417	Jeanne Hoggins – Mlg to Sams for Supplies	15.50
33418	impact Solutions – Software & Maintenance	908.00
33419	Law Enforcement Equip Co – Gun Cases	77.85
33420	Menard’s – 10 bags Pre-Mix Cement	29.80
33421	Scott Metzler – Ump 14’s x 2, Pony’s	65.00
33422	The Milford Times – Min, Mtgs, Notices, Ads	234.79
33423	Eric Millikan – Base Ump 14’s x 2	30.00
33424	Municipal Supply Inc of NE – Anti-Rotation Bolts	32.40
33425	Mutual of Omaha Companies – Group Insurance	4926.24
33426	NE Dept of Revenue – Sales Tax for June	1922.95
33427	Nebraska Motor Parts – Washer, Air Filter, Spry Paint	159.68
33428	NE Public Power Dist – Service for June	4516.88
33429	Nebraska Tech & Telecomm, Inc – Service for June	511.35
33430	O’Keefe Elevator Company Inc – Repair Elevator	1823.50
33431	Omaha Life Insurance Co – Life Insurance	66.65
33432	Peoples Natural Gas – Service for June	1575.71
33433	Accord Capital Corporation – Reagent, Algaecide	559.50
33434	Rediger Chevrolet – Shop Materials, Labor	53.66
33435	Randy Roth – Ump 12’s	20.00
33436	Roxanne Roth – Clean City Offices, Fire Hall, Library	200.00
33437	Mrs. Wayne Roth – 2 Birthday Cakes	28.00
33438	Marty Rowland – Ump 10’s & 12’s	85.00
33439	Sam’s Club – Candy	219.20
33440	Schlegel’s Groceries – Dog Food, Film Devel, Groc	55.26
33441	Seward County Independent – Water Test Sheets	14.08
33442	Seward Co Rural Pub Power Dist – Wells 4 & 5 (May)	313.65
33443	Seward County Ford – Oil Change Specials	45.90
33444	Subway Motors Co – Oil Change, Battery	96.12
33445	Sunrise Country Manor – 397 Meals for June	1191.00
33446	Tvrdy’s Lock & Key – Re-key Locks, Repairs	68.00
33447	United States Postal Service – Postage for Meter	200.00
33448	Utility Equip Co–Bend Meter, Bronze Meter Conn	261.03
33449	Walmart – Trash Bags, Tape, Cleaning Supplies, Misc	83.79
33450	Steve Fougeron – Replace Sprinkler Head	27.50
33451	Terry Good – Ump Jr Pee Wee, Pee Wee’s	190.00
33452	Kendall Johnson – Water & Sewer Deposit Refund	23.55
33453	Lincoln Glass Inc – Install Lights	140.00
33454	Sara Roether – Reimburse Supplies for Pool	8.93
33455	Barbara Roth – Water Refund	39.02

33456	Sean Rowland – Partial 10’s Game	7.50
33457	Todd Schepler – Water & Sewer Deposit Refund	50.00
33458	Jeff Sieck – Base Ump Pony’s	20.00
33459	Michael Troyer – Jr Pee Wee	15.00
33460	Seward Co. Dist. Ct. – Sr Cntr Elevator Settlement	17000.00
33490	Ameritas Life Insurance Corp – Retirement	1091.23
33497	Alltel–Directory Advertising, Paging/Wide Area, Local	66.26
33498	Alltel – Mobile Phone	20.19
33499	Thomas T. Beeler, Publisher – 2 Books	41.71
33500	Blevens Law Office – Legal Services for July	350.00
33501	Centaur Enterprises, Inc – Hex Nuts, Washers, Tape	32.00
33502	City of Milford (Petty Cash) – Postage, Wash Ball Unif	26.32
33503	Christian Book Distributors – 7 Books	62.62
33504	Quality Stores, Inc – Strainer, Spray Tip	66.24
33505	Eakes Office Plus – Copies through Copier	174.71
33506	Ed M Feld Equip Co Inc – Nozzle w/Pistol Grip	423.00
33507	Emer Medical Products – Gloves, Pads, Misc Supplies	515.08
33508	Firemaster – Fire Extinguishers	237.35
33509	Gene’s Electric – Lights/Ins Deduct, Light & Fixture	745.75
33510	Gerhold Concrete Co Inc – 7 Yds Concrete	486.50
33511	Heartsong Presents – 4 Books	9.97
33512	Ingram Library Services – 26 Books	129.95
33513	Leisure Arts – “Spirit of Christmas” Book	29.91
33514	Lesco Inc – Guard, Housing Fan, Bolts, Blade, Switch	142.35
33515	Matt Friend Truck Equip–Chipper Box/Ltl Dmp Trk	2350.00
33516	Mayo Clinic Health Letter – 1 Year Subscription	49.00
33517	Milford Frame Clinic – Back Slider Glass	155.45
33518	Milford School Dist #5 – Fines Collected for July	50.00
33519	Milford Supermarket – Cleaning Supp, Misc, Bleach	21.17
33520	Moses Motor Co Inc – Work on Exhaust	388.88
33521	Municipal Supply Inc of NE – Anti-Rotation Bolt	31.70
33522	Mutual of Omaha Companies – Disability	109.23
33523	NE Health Laboratory – Nitrate/Nitrite, Coliform	41.00
33524	NE HHS Reg & Licensure – Final Fee/New Gutter Sys	225.90
33525	Omaha Life Insurance Co – Life Insurance	68.80
33526	Oxmoor House – “Christmas with Southern Living”	29.91
33527	Accord Capital Corp - #2 & #4 Reagent, Metal Rmvr	533.90
33528	Regent Book Co Inc – 34 Books	524.69
33529	Roxanne Roth – Clean City Offices, Fire Hall, Library	235.00
33530	Sack Lumber Co – Muratic Acid	7.98

33531	Storytime Treasures – 1 Year Subscription	20.00
33532	Technical Maintenance – Labor, Travel, Mileage	99.60
33533	The Gale Group – 5 Books	126.76
33534	Union Bank – Gary TeSelle Account	250.00
33535	Uniservice, Inc – Pants & Rags	145.15
33536	Wal Mart – Paint, Trash Bags	37.14
33537	Gevalia – Coffee & Container	27.85
33538	Vince Kess, Inc – 2 Flush Bolts	16.40

**REPORTS OF OFFICERS, BOARDS AND COMMITTEES:** Written reports received were Housing Authority minutes for July 9, 2001; Planning & Zoning minutes for June 27, 2001 and July 17, 2001; Police Dept. Activity Report for July 2001. Fortune – Some controls have gone bad at the sanitary sewer plant but they have been fixed. Burroughs – The pool will extend their hours over the weekends until Labor Day. Cooper – State Street has developed some problems with expansion joints. Olsson Assoc. has been contacted to have M.E. Collins do the repairs. Chief Siebken – 716 total calls for service. E911 Agency Board has informed us of an amount of money that should not of been placed into the E911 budget. State Aid to the County that was levied and distributed in error of an estimated \$60,000 will be transferred back into the County budget. Officer Rob Hull will be attending a Hazwoper Class which will include initial assessment of methamphetamine labs.

**COMMUNICATIONS:** A website for tourist information on U.S. Route 6 has been established. Brian Bennett has resigned from the Economic Development Committee as he has been hired at the Schuyler School system. Information received on aerial photos. Sales tax received for the month of 5/2001 was \$10,757.12. Letter received from Gerald Eigsti and S.C.C. thanking Chief Siebken and the Milford Police Dept. for efforts of concern on campus along with input on the Safety Committee. Hoggins submitted a bill for reimbursable funds on the Flood Mitigation Study and received a total of \$16,709.88.

**PUBLIC HEARINGS:** Mayor Plessel opened the public hearing at 7:40 pm. for discussion on **Setbacks R1 and R2 and Zoning change from C2 to R2 for Bruce Hostetler:** Mayor Plessel asked for comments from the public on the setback changes. Blevens pointed out accessory building information. No further comments were made. Mayor Plessel then asked for comments regarding the zoning change on the property of Edith Conner, which is east of Super Spray Car Wash. Bruce Hostetler noted that the property has been zoned commercial for quite a while and a home has been occupying the property for years. He would like to rezone the property to

residential. No further comments, Mayor Plessel closed the public hearing at 7:42 pm.

**UNFINISHED BUSINESS: Introduction and Adoption of Ordinance: Change Zoning Setbacks R1 and R2:** Council member Fortune introduced the following Ordinance:

ORDINANCE NO. 713

AN ORDINANCE TO AMEND SECTIONS 5.03 (e) (1) and 5.04 OF THE MILFORD ZONING REGULATIONS TO ALLOW FOR REDUCTION OF STREET SIDE YARD SET BACK FOR ACCESSORY BUILDINGS IN R-1 AND R-2 DISTRICTS WHEN CONSISTENT WITH ADJOINING DEVELOPMENT; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PRESCRIBE THE TIME THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT. (See Ordinance Record)

**Water Tower Proposal:** Olsson Associates presented a proposal of a maximum of \$64,000 for engineering fees for the water tower project. A motion was made by Fortune to accept the proposal if everything looks good with the Bonding Agency. Cooper seconded the motion. Fortune then asked if the engineering fees could be included in the bond. Blevens & Kubicek both noted, “yes”. Jack Zimmerman questioned the Council as to why the water tower hadn’t been replaced years ago when discussion was held on the issue. It was noted to Mr. Zimmerman that the reason the current Council was considering a new tower was due the lead base paint that had been applied at an earlier date and now needs to be removed. The Council could not answer Mr. Zimmerman’s question and the Mayor instructed Hoggins to call the roll. Roll call vote: Fortune yes, Cooper yes, Burroughs yes, Neal yes. Motion carried.

**Set Salaries:** Dennis Kubicek reviewed with the Council the preliminary budget figures that had been submitted to him. Kubicek informed the Council that he has given them the authority to spend the money but it is up to the Council to be fiscally responsible for what is spent. The Street dept. and the Sr. Center dept. will need to review their budget as they are working with negative balances. The Council thanked Mr. Kubicek for his attendance. Burroughs suggested a special meeting to discuss salaries after the insurance information is gathered. Item tabled.

**Discuss 5<sup>th</sup> Police Officer:** This item will be carried over until the special meeting also.

**Introduction and Adoption of Ordinance – Peoples Natural Gas-Fixed Rate:** Mayor Plessel informed the Council that the gas rates have gone down since Peoples Natural Gas introduced their proposal for a fixed rate.

The Rate Area III committee still recommends that municipalities do not adopt this ordinance. No action taken.

**NEW BUSINESS: Introduction and Adoption of Ordinance – Zoning Change from C2 to R2, Bruce Hostetler:** Council member introduced the following ordinance:

ORDINANCE NO. 714

AN ORDINANCE TO CHANGE THE ZONING OF DESCRIBED PROPERTY FROM C-2 TO R-2; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PRESCRIBE THE TIME THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT. (See Ordinance Record)

**Approve Initial Order Webermeier Scholarships:** A motion was made by Neal and seconded by Cooper to approve the initial order of 26 recipients at \$629.50 per person for the first semester. Roll call vote: Neal yes, Cooper yes, Burroughs yes, Fortune yes. Motion carried.

**Approve E911 Agency Board Budget:** The City of Milford contributes 4% to the communication center. The upcoming amount for budget year 2001-2002 is a little over \$5,000. There is a bit of a reserve, which will help with radio costs and a new tower or rental of tower space. A motion was made by Cooper and seconded by Burroughs to approve the E911 Agency Board budget. Roll call vote: Cooper yes, Burroughs yes, Fortune yes, Neal yes. Motion carried.

**Authorize to go out for bids-“A” Street Storm Sewer Project:** Cooper noted the project is estimated to come in around \$11,000 to \$15,000. The money has been placed in the budget for next year. A motion was made by Cooper and seconded by Fortune solicit for bids on the “A” Street Storm Sewer Project. Roll call vote: Cooper yes, Fortune yes, Burroughs yes, Neal yes. Motion carried.

**Bond Discussion – Water Tower MBU:** John Trecek was not present yet so the Council agreed to move the agenda item to the bottom of the list.

**Water Damage – Mark & Carma Meierdierks and Bruce Rediger:** Carma shared with the Council the damage she acquired when a heavy rain was received on May 3, 2001. After the alley was asphalted there were areas that the Meierdierks felt had altered the flow of rainfall and also dammed up areas where the water pooled, causing water to backup into their green house and store. There was question as to the garbage and pallets that were placed behind the store causing the back up of the water. The Meierdierks moved the garbage and pallets and when the second rainfall occurred water still backed up into the store. The City cut out a drainage path from their asphalted driveway and placed sand bags at the back door of the greenhouse

after the first rain, which seemed to help some. Carma noted that customers use the back door to go from one greenhouse to the next and the sandbag is a liability issue on her behalf. The Meierdierks would like the City to take responsibility for their actions. Cooper stated that the City maintenance crew had shot elevations in the alley and there is plenty of slope for the drainage. This specific alley has always had a lot of potholes and has never drained well anyway. There was a comment made regarding water getting into the green house in the past, but it never made it into the store before. A question arose regarding a swale in the middle of the alley to keep the water away from the businesses. Cooper noted that the utilities are very close to the surface of the alley and if too much topsoil were taken off, the base of the alley would be lost. The asphalt would not hold up with the garbage trucks and delivery trucks going thru the alley if the compacted base was taken away. There was concern with the runoff of the two new buildings placed to the west of Sister Act. Bruce Rediger then commented on the alley behind his rental property. (between "A" & Walnut, North of 1<sup>st</sup> Street) He stated that the alley had been raised and tilted towards his rental. Cooper again mentioned the elevation of the alley had not been increased because it matches up with the driveway. Rediger and Cooper both felt that a ditch needed to be cut on the north side of the alley. Rediger mentioned that a ditch should be cut along the last 30' towards Walnut street on the south side of the alley. Maint. Worker Gary TeSelle explained that a ditch had been cut there but if it wasn't enough someone should let them know. Cooper asked Rediger if he had ever had a prior problem with drainage? He stated that one spring ice had built up in the drainage area causing a problem. Both, Meierdierks and Rediger had submitted a claim to the City with cost of damages due to this situation. Neal asked what the next step would be? Plessel noted she would like to look into this more closely and get back to these individuals. Dean Bruha suggested taking a fire hose and checking the water flow of the alley's this way. TeSelle noted that the water does flow down the alley's at a faster pace. Carma commented that the first time the alley's were paved things were incorrect. Fortune noted waiting to decide on the issue until they could look into it further. He commented on the portable green house that was placed in the back possibly causing some of the trouble. Carma wanted it stated in the records that the little green house had no water in it at all. Neal questioned the damage only into the green house. It was noted that the water had reached the main part of the store. The Mayor and Council decided to place this item on the special meeting agenda.

**Concession Stand – Tom McCall:** Tom presented the fact that this year he and his wife Mary ran the concession stand and the money raised was used

directly and indirectly to purchase equipment for the softball and baseball teams. (Recreation Program and High School Softball team) Rather than bidding the stand every year he asked the Council to consider allowing him to run it again in the future with proceeds continuing to go towards the baseball and softball program. An estimated \$1,800.00 was made this year with about \$300.00 going back to the City. McCall has already ordered around \$900.00 worth of equipment to benefit the program. Burroughs asked who would oversee the purchases. McCall noted the City Recreation Board and Recreation Director (Arlene Sieck) along with himself might be a possible group. An inventory of the City's equipment needs could be done and purchases could be made. Burroughs felt this would benefit the City. A motion was made by Burroughs and seconded by Neal to remove the bidding process of the concession stand and allow the funds to be used for the baseball & softball recreation program. Roll call vote: Burroughs yes, Neal yes, Cooper yes, Fortune yes. Motion carried.

**Health Insurance - Employees:** Item tabled to special meeting.

**Authorize Signature on Valley View Lift Station Project, General Excavating:** A motion was made by Fortune and seconded by Cooper to authorize the Mayor to sign the contracts for the Valley View Lift Station Project. Roll call vote: Fortune yes, Cooper yes, Burroughs yes, Neal yes. Motion carried.

**Bond Discussion –Water Tower MBU:** John Trecek with Ameritas informed the Council that financing a water project with a bond is the easiest bond to work with. Funds from all sources can be used. General Obligation bond has the best rate. Council will need to budget interest for the first year. When final figures are all put together an ordinance will need to be adopted. Burroughs asked about the timeline for the project. Olsson Associates, John Olsson and Dave Montag figured 2 months for design, 6 weeks for bidding process with a starting construction date of spring. Mr. Trecek mentioned a resolution of reimbursement for any payments made prior to issuing the bond. Council thanked Mr. Trecek for his assistance.

**ADJOURNMENT:** A motion was made by Cooper and seconded by Burroughs to adjourn the meeting. Roll call vote: Cooper yes, Burroughs yes, Fortune yes, Neal yes. Motion carried and meeting adjourned at 9.23 pm.

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Jeanne Hoggins, City Clerk

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J. Elaine Plessel, City Clerk

## CERTIFICATION

I, the undersigned, City Clerk of the City of Milford, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council of August 7, 2001 that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

(SEAL)

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Jeanne Hoggins, City Clerk